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Board of Directors
Aer Lingus Limited
Dublin Airport, Co Dublin

Re: Use of Non-Compliant North Runway Flight Paths at Dublin Airport – Legal, Regulatory, and Reputational Exposure

Dear Members of the Board,

I write to bring to your urgent attention a matter of serious legal, environmental, and ethical concern regarding your airline's continued use of departure routes from Dublin Airport's North Runway (28R) that have been confirmed to be in breach of the airport's planning permission.

As confirmed by An Bord Pleanála, the routes of the current Standard Instrument Departure (SIDs) in use from the North Runway deviate materially from those for which planning permission was granted in 2007. This unauthorized deviation — introduced by daa and their design subcontractor AirNav — has resulted in a 335% increase in the affected environmental impact zone and directly undermines the legal basis for the airport's current operations.

Despite repeated public claims by daa that the change was required for "safety reasons," this has been explicitly contradicted by the Irish Aviation Authority, which states that no such requirement was imposed. ICAO, too, does not mandate the immediate turns now occurring at only 400 feet above ground level — an outlier practice globally. Moreover, runway 10R (the south runway), when used in easterly wind conditions, does not exhibit this deviation, demonstrating the existence of compliant and safer alternatives. While daa vaguely claims solutions involving the south runway's missed approach would be "complex and regulated", they have never stated that such a solution cannot be achieved.

The environmental and legal breach caused by the chosen route has rendered the Environmental Impact Statement (EIS) — the very foundation of the planning permission — effectively void. Furthermore, daa's refusal to provide an updated and accurate noise study to the Aircraft Noise Competent Authority (ANCA) has directly stalled efforts to seek permission to raise the current 32 million passenger cap.

Airline Liability and Duty of Care

While daa may be the primary architect of this breach, airlines operating from Dublin Airport — and in particular Aer Lingus and Ryanair — cannot claim ignorance of the situation and are therefore at increasing risk of secondary liability.

Your continued use of these unlawful departure routes, with full knowledge of their status, could constitute:

- Contributory negligence under environmental and planning law;
- Tortious liability for nuisance or trespass due to noise and pollution impacts outside of permitted zones;
- And Breach of regulatory obligations related to environmental compliance and airspace use.

We respectfully note that Irish and European case law is increasingly clear: regulatory and operational stakeholders share responsibility when it comes to breaches that have environmental and public health impacts. Inaction in the face of known non-compliance may be construed as complicity.

Opportunity to Act

As key stakeholders in Dublin Airport's operations, your companies have substantial influence on daa along with the ability — and the responsibility — to:

1. Publicly acknowledge the issue and seek full transparency from daa regarding the legality of current procedures;
2. Formally request that daa revert to compliant flight paths or submit a new retention application and Environmental Impact Statement;
3. Engage constructively with ANCA and AirNav to develop legally and environmentally compliant departure procedures;
4. Refuse to operate on known non-compliant routes, thereby upholding your legal and ethical obligations to the communities you serve.

Continued silence or reliance on daa's contested interpretation of the law exposes your companies to growing legal, regulatory, and reputational risk — especially if efforts to bypass EU law via national legislation proceed with your quiet support.

I urge your board to consider this situation with the seriousness it deserves. The communities beneath these flight paths, the passengers you serve, and the legal frameworks you operate within deserve a transparent and responsible response.

I would be grateful for your written assurance that this matter will be reviewed at Board level and that appropriate action will be taken.

Regards,

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